



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,321	06/13/2000	Brandon William Porter	418268604US	7391
45979	7590	11/28/2007		
PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER BOUTAH, ALINA A	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/592,321	Applicant(s) PORTER ET AL.	
	Examiner Alina N Boutah	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-19,21 and 25- 26 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2143

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment received September 21, 2007.

Claims 1-4, 6-19 and 21-26 are pending in the present application.

Claim Rejections - 35 USC § 101

Amended claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A 'program' comprising: a first set of instructions for... ; a second set of instructions for...." is non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable. Further, a collection of instructions, *per se*, is not an actual data structure, instead being non-functional descriptive material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,600,736 issued to Ball et al. (hereinafter Ball) in view of USPN 6,778,653 issued to Kallas et al. (hereinafter Kallas).

Art Unit: 2143

Regarding claim 1, Ball teaches a method of preserving state for applications over a telephone interface using a voice application computer, the method, performed by the voice application computer, comprising:

receiving from a user a call over the telephone interface, the call initiating a current telephone session (abstract; col. 1, lines 15-53; figure 1; col. 4, lines 5-9);

identifying a user placing the call based on telephone identifying information associated with the call (abstract; col. 1, lines 15-53; figure 1; col. 4, lines 5-9);

after identifying the user,

identifying a user profile based on the identified user (abstract; col. 1, lines 15-53; figure 1; col. 4, lines 5-9);

identifying state information associated with the user profile, the state information comprising of a plurality of cookies retrieved from other computers over a web interface and resulting from at least one prior telephone session of the identified user, the state information associated with the user profile (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15); and

automatically and selectively providing, by the voice application computer, a subset of the plurality of cookies to an application based on the stored policies (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

However, Ball does not explicitly teach identifying user profiles of a plurality of user profiles stored by the voice application computer, and storing policies to control accessing of the plurality of cookies and storing of new cookies; and storing a new cookie with the plurality of

Art Unit: 2143

cookies on the policies, wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the identified user.

Kallas teaches: identifying user profiles of a plurality of user profiles stored by the voice application computer (figure 10: 610); a policy for storing cookies managed by a server, and storing a new cookie with the plurality of cookies on the policies, wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the identified user (col. 4, lines 52-60; figures 4-6; col. 9, lines 25-58). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ a policy for storing cookies in order to control access to the cookies, thus providing security in the network system.

Regarding claim 2, Ball teaches the method of claim 1, wherein the policies are dependent on at least one of needs of voice, application computer, first decisions made by at least one operator of the voice application computer, or second decisions made by users of the voice application computer (abstract; col. 3, line 58 to col. 4, line 61).

Regarding claim 3, Ball teaches the method of claim 1, wherein the application has a corresponding uniform resource indicator (URI) and wherein the subset of the plurality of cookies is selected according to applicability of each cookie in the plurality of cookies to the URI (abstract; col. 9, line 33-col. 10, line 15).

Regarding claim 4, although Ball does not explicitly teach the method of claim 3, wherein the applicability of a cookie for inclusion in the subset is determined according to IETF

Art Unit: 2143

RFC 2109, it is well known in the art that cookies in general are utilized based on IETF RFC 2109 (see RFC 2109).

Regarding claim 6, Ball teaches the method of claim 1, wherein the new cookie received from the application as part of a hypertext transfer protocol (HTTP) request for a uniform resource indicator (URI) (col. 9, line 33-col. 10, line 15).

Regarding claim 7, although Ball does not explicitly teach the method of claim 1, wherein at least some of the policies are based on IETF RFC 2109, it is well known in the art that cookies in general are utilized based on IETF RFC 2109 (see RFC 2109).

Regarding claim 8, Ball teaches the method of claim 1, wherein the storing a new cookie occurs responsive to verification of the new cookie by the voice application computer based on the policies (col. 9, line 33-col. 10, line 15).

Regarding claim 9, Ball teaches the method of claim 1, further comprising verifying a password for the user profile received over the telephone interface prior identifying the state information associated with the user profile (col. 4, line 65 to col. 5, line 47).

Regarding claim 10, Ball teaches the method of claim 1, wherein the identifying comprises creating a user profile on the first computer. Bennett teaches creating a user profile on the voice application computer (col. 9, line 33-col. 10, line 15).

Regarding claim 11, this is similar to claim 1, therefore is rejected under the same rationale.

Regarding claim 12, Ball teaches the apparatus of claim 11, wherein the apparatus supports a second application, the application provided by a first legal entity and the second application provided by a second legal entity (abstract; figure 1).

Regarding claim 13, the IETF fails to teach the apparatus of claim 12, wherein the plurality of cookies includes at least a first cookie set by the second application, and wherein the subset of the plurality of cookies does not include at least a first cookie (col. 9, line 33-col. 10, line 15).

Regarding claim 14, Ball teaches a computer system to preserve state information for applications over a telephone interface, the computer system comprising:

a first interface including a first program to access a second computer system via a web interface, the second computer system including an application (abstract; figure 1);

a second interface to send and receive audio signals to and from a telephone and to receive telephone identifying information corresponding to the telephone (abstract; figure 1); and

the state information comprising a plurality of cookies retrieved from other computer systems via the web interface, generated based on at least one prior telephone session of the identified user, and stored in the computer system (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

However, Ball does not explicitly teach a control subsystem to control the first interface and the second interface, the control subsystem including a second program for identifying a user placing call to initiate a current telephone session based on the telephone identifying information and identifying a user profile for the identified user, the user profile having corresponding state information, and at least one policy being stored by the computer system to control access to the plurality of cookies and storing of new cookies, wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the identified user.

Kallas teaches a control subsystem to control the first interface and the second interface, the control subsystem including a second program for identifying a user profile having a corresponding state information (figure 3), and a policy for storing new cookies managed by a server wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the identified user (col. 4, lines 52-60; figures 4-6; col. 9, lines 25-58). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ a policy for storing cookies in order to control access to the cookies, thus providing security in the network system.

Regarding claim 15, Ball teaches a computer-readable tangible storage medium embedded with a computer program executable by a voice application computer, the computer

Art Unit: 2143

program for preserving state information for applications over a telephone interface, the computer program comprising:

a first set of instructions for receiving a telephone identifying information from the telephone interface, the telephone identifying information identifying a user placing a telephone call to initiate a current telephone session with the voice application computer (col. 4, lines 4-9);

a second set of instructions for identifying a user profile based on the user identified by the telephone identifying information (abstract; col. 1, lines 15-53; figure 1; col. 4, lines 5-9);

a third set of instructions for identifying state information associated with the identified user profile, the state information comprising a plurality of cookies retrieved from other computers over a web interface and resulting from at least one prior telephone session of the user identified by the telephone identifying information (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15);

a fifth set of instructions for storing a new cookie based on the policies (col. 9, line 32 to col. 10, line 15); and

a sixth set of instructions for automatically and selectively providing a subset of the plurality of cookies to an application based on the policies, the sixth set of instructions responding to receiving a request over the telephone interface to initiate the application (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

However, Ball does not explicitly teach a fourth set of instructions for storing policies for accessing and storing cookies, and wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the user identified by the telephone identifying information. Kallas teaches a policy for storing cookies managed by a server, and wherein new

Art Unit: 2143

cookies are stored persistently so that they are available for subsequent telephone sessions of the user identified by the telephone identifying information (col. 4, lines 52-60; figures 4-6; col. 9, lines 25-58). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ a policy for storing cookies in order to control access to the cookies, thus providing security in the network system.

Regarding claim 16, Ball teaches the computer program of claim 15, wherein the policies are dependent on at least one of needs of the voice application computer, first decisions made by at least one operator of the voice computer application computer, or second decisions made by users of the voice application computer (col. 9, line 33-col. 10, line 15).

Regarding claim 17, Ball teaches the computer program of claim 16, wherein each cookie in the plurality of cookies associated with a corresponding domain, wherein the request include a request host and wherein the subset of the plurality of cookies comprises cookies with a corresponding domain similar to a domain associated with the request host (col. 9, line 33-col. 10, line 15).

Regarding claim 18, Ball teaches the computer program of claim 15, wherein the second set of instruction further comprises a set of instructions for creating a new user profile responsive to receiving telephone identifying information not associated with an existing user profile (col. 4, line 65 to col. 5, line 47).

Art Unit: 2143

Regarding claim 19, Ball teaches the computer program of claim 15, wherein the second set of instructions further comprises a set of instructions for creating a temporary user profile responsive to receiving telephone identifying information not associated with an existing user profile and wherein the computer program further comprises a seventh set of instructions for deleting the temporary user profile receiving a signal from the telephone interface signaling an end of a telephone call (col. 9, line 33-col. 10, line 15).

Regarding claim 21, Kallas teaches the method of claim 1, further comprising: permitting a user to manage the state information associated with the user (figure 4).

Regarding claim 26, this is similar to claim 1, therefore it is rejected under the same rationale.

Allowable Subject Matter

Claims 22-24 are allowed because it has been rewritten in independent form including all of the limitations of the base claim and any intervening claims as suggested in the previous Office Action dated March 22, 2007.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

Art Unit: 2143

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, it is the combination of Balls and Kallas that teaches the limitation as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANB

ANB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100